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11 Attorneys for USACM Liquidating Trust

12 **UNITED STATES BANKRUPTCY COURT**  
 13 **DISTRICT OF NEVADA**

14 In re:

15 USA COMMERCIAL MORTGAGE  
 16 COMPANY,

17 USA CAPITAL REALTY ADVISORS,  
 18 LLC,

19 USA CAPITAL DIVERSIFIED TRUST  
 20 DEED FUND, LLC,

21 USA CAPITAL FIRST TRUST DEED  
 22 FUND, LLC,<sup>1</sup>

23 USA SECURITIES, LLC,<sup>2</sup> Debtors.

24 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

25 Case No. BK-S-06-10725-LBR  
 26 Case No. BK-S-06-10726-LBR  
 1 Case No. BK-S-06-10727-LBR  
 Case No. BK-S-06-10728-LBR<sup>1</sup>  
 Case No. BK-S-06-10729-LBR<sup>2</sup>

27 **CHAPTER 11**

28 Jointly Administered Under Case No.  
 29 BK-S-06-10725 LBR

30 **NOTICE OF HEARING REGARDING  
 31 FIRST OMNIBUS OBJECTION OF  
 32 USACM TRUST TO PROOFS OF  
 33 CLAIM BASED UPON  
 34 INVESTMENT IN THE I-40  
 35 GATEWAY WEST, LLC 2ND LOAN;  
 36 AND CERTIFICATE OF SERVICE**

37 Date of Hearing: May 8, 2008  
 38 Time of Hearing: 10:30 a.m.

39 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM**  
 40 **THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR**  
 41 **CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE I-40**  
 42 **GATEWAY WEST, LLC 2nd LOAN BECAUSE THE USACM TRUST**

43 <sup>1</sup> This bankruptcy case was closed on October 12, 2007.

44 <sup>2</sup> This bankruptcy case was closed on December 26, 2007.



1 **CONTENDS THAT YOU HAVE BEEN PAID IN FULL FOR YOUR**  
2 **INVESTMENT IN THAT LOAN. THIS OBJECTION WILL NOT IMPACT**  
3 **YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A**  
4 **DIFFERENT LOAN.**

5 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
6 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**  
7 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**  
8 **SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING**  
9 **GROUP, LLC ((602) 424-7009) OR THE UNDERSIGNED COUNSEL.**

10 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its  
11 First Omnibus Objection to Proofs of Claim Based Upon Investment in the I-40 Gateway  
12 West, LLC 2nd Loan (the “Objection”). Your Proof of Claim number and other  
13 information regarding your claim is provided in **Exhibit A**, attached. The USACM  
14 Liquidating Trust has requested that this Court enter an order, pursuant to Bankruptcy  
15 Code § 502 and Bankruptcy Rule 3007, disallowing your Proof of Claim to the extent it is  
16 based upon an investment in the I-40 Gateway West, LLC 2nd Loan. The Objection will  
17 not impact your Claim to the extent it is based upon an investment in a different loan.

18 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
19 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley  
20 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on  
21 **May 8, 2008, at the hour of 10:30 a.m.**

22 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON MAY 8,**  
23 **2008, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**  
24 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**  
25 **HEARD ON THAT DATE.**



1                   **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed  
 2 by May 1, 2008 pursuant to Local Rule 3007(b), which states:

3                   If an objection to a claim is opposed, a written response must be filed and  
 4 served on the objecting party at least 5 business days before the scheduled  
 5 hearing. A response is deemed sufficient if it states that written  
 6 documentation in support of the proof of claim has already been provided to  
 the objecting party and that the documentation will be provided at any  
 evidentiary hearing or trial on the matter.

7                   If you object to the relief requested, you *must* file a **WRITTEN** response to this  
 8 pleading with the Court. You *must* also serve your written response on the person who  
 9 sent you this notice.

10                  If you do not file a written response with the Court, or if you do not serve your  
 11 written response on the person who sent you this notice, then:

12                  • The Court may *refuse to allow you to speak* at the scheduled hearing; and  
 13                  • The Court may *rule against you* and sustain the objection without formally  
 14 calling the matter at the hearing.

15                  Dated: April 4, 2008.

16                  LEWIS AND ROCA LLP

17                  By /s/ Rob Charles (#6593)  
 18                  Susan M. Freeman, AZ 4199 (*pro hac vice*)  
 19                  Rob Charles, NV 6593  
 20                  John C. Hinderaker, AZ 18024 (*pro hac vice*)  
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 25                  E-mail: rcharles@lrlaw.com  
 26                  *Attorneys for the USACM Liquidating Trust*

Copy of the foregoing mailed by first class  
 postage prepaid U.S. Mail on  
 April 4, 2008 to:

Parties listed on Exhibit A attached.

s/Renee L. Creswell  
 Renee L. Creswell  
 Lewis and Roca LLP